

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**EDWARD CARTER, substituted
on behalf of Patsy Carter, deceased**

PLAINTIFF

v.

No. 4:12-cv-605-DPM

NOVARTIS PHARMACEUTICALS CORP.

DEFENDANT

ORDER

The Court appreciates the joint report.

1. The proposed Final Scheduling Order will issue with these changes:

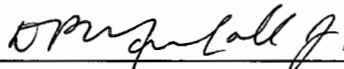
Plaintiff must list additional damage witnesses by 12 April 2013; the pre-trial will be 17 January 2014; and the trial will start 27 January 2014. (The new trial date creates the possibility of a conflict with criminal settings, but we'll sort that out when we get closer.) The Court allots ten six-hour days for trial — one of which will be consumed by *voir dire*, opening statements, and closing arguments. The remaining nine days will be split evenly with cross examination counting against each side's time. Counsel should plan their proof accordingly.

2. Plaintiff should respond to the pending motion as soon as practicable, and no later than 5 April 2013. Defendants are correct: the

applicable federal and local rules prescribe the time for responding to any motion, absent an Order dictating otherwise, and there is none. Both parties should follow the usual response/reply times of 14/7 calendar days. Please seek extensions only when you really need them. The Court grants plaintiff more time to respond to this motion because it is potentially dispositive.

3. The Court is unfamiliar with the confidentiality Orders entered by the MDL. Defendants should move unopposed to adopt, either providing docket citations or attaching copies.

So Ordered.



D.P. Marshall Jr.
United States District Judge

21 March 2013